

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRENDON McPHERSON,

Plaintiff,

No. 9:12-CV-0766

-v-

SCOTT ROGERS; MATTHEW GUNDRUM;
SHAWN PLUCKROSE; JERRAD CATLIN;
PAUL MORRIS; and NURSE NINA CLARK,

Defendants.

APPEARANCES:

BRENDON McPHERSON
Plaintiff pro se
11-A-0823
Elmira Correctional Facility
Elmira, NY 14902

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

KRISTIN M. QUARESIMO, ESQ.
Ass't Attorney General

DECISION and ORDER

Pro se plaintiff Brendon McPherson brought this action pursuant to 42 U.S.C. § 1983.

On January 21, 2014, the Honorable David E. Peebles, United States Magistrate Judge,
advised by Report-Recommendation that defendants' motion for summary judgment be

granted in part, and that all claims against defendant Nurse Nina Clark be dismissed, but that defendants' motion otherwise be denied. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED in part and DENIED in part;
2. All claims against defendant Nurse Nina Clark are DISMISSED; and
3. Defendants' motion is otherwise DENIED.

The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: February 21, 2014
Utica, New York.